

### REMARKS

This responds to the Office Action mailed December 17, 2001 in connection with the above-identified patent application. Prior to entry of this amendment, claims 1, 2 and 4-14 were pending in the application. By this amendment, claim 15 has been added and claims 1, 2 and 4-14 have been amended. Thus, following entry of this amendment, claims 1, 2 and 4-15 are pending in the application.

### **35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 1, 2 and 4-14 pursuant to § 112, second paragraph as being indefinite. Claim 1 has been amended to clarify that the movable device pushes the panel in "at least one of a feed direction and a direction opposite the feed direction". In order to specify in all the claims that the limitations after the term "characterized in that" are part of body claimed, such terms have been substituted with the word "wherein". Moreover, in claims 4-14, have been specified what "it" encompass. In light of these amendments and remarks, it is respectfully submitted that the rejections made pursuant to § 112, second paragraph have been overcome.

### **35 U.S.C. § 103**

Claims 1, 2 and 4 - 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ess in view of Smith. The Examiner has asserted that Ess discloses (Fig. 8) the invention substantially as claimed including a horizontal table 12, at least one panel 20, at least one movable device 15, a feed direction, a direction, a sawing device/a single lengthways cutting axis 10, rotation device (see Fig. 5), a plurality of pickup elements 17, guides, drive means and vertical direction. The Examiner acknowledges that Ess doesn't show drive means to move at least one of the pickup elements in a horizontal direction independently of the other pickup elements. The Examiner states that Smith teaches the use of drive means (see Fig. 2 and col. 3, line 33-38) to move pickup elements 34 in a horizontal direction independently of each other for the purpose of holding the stack of bags. From this, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the movable device of Ess by providing drive means to move pickup elements in the horizontal direction independently of the other pickup elements as taught by Smith in order to adjust the clamp to the different sizes of panels. For a several reasons noted below, the applicant respectfully submits that the Examiner's position is incorrect.

### **Independent Claim 1**

Initially, the applicant notes that Smith document does not disclose or otherwise relate to a panel sawing machine. Therefore a person of ordinary skill in the art of panel sawing machines would not have looked to the art of "plastic bag handling" to provide a panel pushing device with laterally movable pickup elements. Moreover the purpose of the Smith's document it is not to adjust the clamp to the different sizes of panels. Instead, the purpose of the Smith device is to allow each jaw to adjust the lateral position of a separate stack of bags held thereby.

Furthermore, Ess discloses an entirely different structure for moving the panels laterally relative to the feed direction and, thus, teaches directly away from the device recited in applicant's claim 1. In particular, Ess teaches moving the panels laterally using the "alignment members" 14 as shown in FIGURES 7-9. These alignment members are not connected to the movable feed device 15. Also, Ess requires only that the panels be moved laterally in one direction (i.e., against the stopping ledge 13). Thus, there is no requirement in Ess that the clamps 17, themselves, be movable laterally. This provides further evidence that there is no basis for combining Ess with Smith.

As still further evidence that Smith should not be combined with Ess as proposed by the Examiner, the applicant respectfully notes that Ess requires that the alignment member 14 not be connected to the movable feed device 15 because

Ess discloses feeding only a single panel at a time. The Examiner is asked to carefully consider FIGURES 4 -9 of Ess and note that the following sequence:

- a. FIG. 4 - panel 20 is fed through cutting device 10 to create strips 20'
- b. FIG. 5 - strips 20' are rotated on table 18
- c. FIG. 6. - pusher 19 moves strips 20' back to start location (note that each strip 20' must be cut differently as shown by dotted lines)
- d. FIG. 7 - use alignment members 14 to push strips 20' against stop 13 and then push only first (left) panel through cutting device 10 while the remaining strips 20' act as a guide
- f. FIGS. 8 - 9 repeat alignment and pushing steps

With the foregoing in mind, the Examiner is urged to note that Ess requires that the laterally movable alignment devices 14 not be connected to the movable device 15 because the sequence of operations of Ess requires that the alignment devices not move with the pusher device 15. More particularly, Ess requires that only the first (left) clamps 17 be in an operative position for cutting all of the strips 20' as shown in FIGURES 7-9 because Ess cuts only a single strip 20' (the left one) for each pass of the movable pushing device 15. The alignment members 14 must not move with the movable device 15 during cutting because the alignment

members 14 must hold the remaining strips 20' so that these remaining strips 20' as a guide during cutting of the leftmost strip.

In light of the foregoing, it is respectfully submitted that the Examiner's proposed combination of Ess and Smith is improper and that claim 1 should be allowed.

#### **New Independent Claim 15**

New independent claim 15 is directed to a device wherein a plurality of pickup elements are carried by the movable pushing device, and wherein at least one of the pickup element moves laterally relative to the others and wherein at least one of the pickup elements moves in the feed direction or opposite the feed direction relative to the movable device, itself. Thus, in applicant's claim 15, at least three (3) types of movement are allowed: (1) the movable pushing device (6; 6a) moves in the feed direction; (2) at least one pickup element moves laterally on the movable device; and, (3) at least one of the pickup elements moves relative to the movable device in the feed direction or the opposite direction.

Thus, it is to be noted that claim 15 is filed to overcome the Examiner's rejection under 35 U.S.C 103(a), since it comprises the subject matter of old claim 4. In particular, claim 15 now discloses that at least one of the pickup elements, is mounted on the movable device in such a way that drive means (38) can move said

pickup element **in both in directions (K) (see FIG. 2) corresponding to the feed direction (F; F2) and to the direction (F1; F3) opposite to the feed direction (F; F2) relative to the movable device (6; 6a).**

No such structure is either taught or suggested in either Ess or Smith or the combination thereof. As a consequence, the combination that would result from modifying the movable device of Ess by providing Smith's drive means to move the pickup element in the horizontal direction, as proposed by the Examiner, would be unable to disclose at least one pickup element movable in both in directions (K) corresponding to the feed direction (F; F2) and to the direction (F1; F3) opposite to the feed direction (F; F2).

The drive mean disclosed in the present application and as recited in claim 15 are adapted to move each pickup element (independently from the others) in both directions (K) also during the movement of the movable device. The Examiner is urged to consider FIGURES 6a-6f of the present application and page 15, lines 3-27 of the applicant's disclosure wherein it is clearly described how the pickup elements can move "forward and backward" relative to the movable device 6 to align the desired panel cut-lines (dotted lines) so that more than one panel can be cut at a time. This is far different than Ess which feeds only a single panel at a time (see FIGS. 6-9 of Ess wherein the strips 20' are fed individually because Ess provides no means for aligning the dotted cut-lines). Clearly, Smith discloses no such feature as

well.

In view of the above remarks independent claim 15 is felt to be in condition for allowance with claims 1, 2 and 4-14. Notice to that effect is respectfully requested.

### **Dependent Claims**

Claims 4-6, 8-10, and 12-14 also recite the feature of at least one of the pickup elements being movable in the feed direction and the opposite direction relative to the movable device. Thus, each of these claims should also be allowable for the reasons noted with respect to claim 15.

Claim 11 specifies that the device includes two (2) cutting axes (7, 7a) (see FIGS. 5a-5u). Neither Ess nor Smith teach or suggest this feature. Notably, Ess teaches directly away from this feature by requiring that panel 20 be cut into strips 20' and then that the strips 20' be reset to the starting point for cross-ways cutting. Thus, it is apparent that the combination of Ess and Smith does not teach or suggest applicant's device as recited in claim 11.

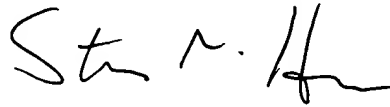
Furthermore, claims 2-14 depend on and contain all the limitation of claim 1 and are submitted to be in condition for allowance therewith.

The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed.

In view of the above amendments and remarks it is respectfully submitted that all of the claims are allowable and that the application is in condition for allowance.

Respectfully submitted,

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(SIGNATURE)

Steven M. Haas



## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

### **In the claims:**

#### ***Claims 1, 2 and 4-14 have been amended as follows:***

1. (Twice amended) A panel sawing machine comprising: a horizontal table (5) to support at least one panel (30; 3a, 3b) to be cut; at least one movable device (6; 6a) designed to push the panel along the table in at least one of a feed direction (F; F2) [or] and in a direction (F1; F3) opposite to [this] the feed direction, in such a way as to feed a sawing device (7; 7a) and/or a rotation device (R), said sawing device (7; 7a) being designed to cut the panel (30; 3a, 3b) into two or more smaller boards (31; 4a, 4b) in a direction at right angles to the feed direction (F; F2), the movable device (6; 6a) being equipped with a plurality of pickup elements (16) mounted side by side that hold the rear edge of the panel in position while it is being sawn, at least one of the pickup elements (16) being mounted on the movable device (6; 6a) in such a way that drive means (36) can move it independently of the other pickup elements (16) in a horizontal direction (H) at right angles to the feed direction (F; F2).

2. (Twice amended) The machine according to claim 1, [characterized in that] wherein the pickup elements (16) slide in a guide (15) that is integral with the movable device (6; 6a) and at right angles to the feed direction (F; F2).

4. (Twice amended) The machine according to claim 3, [characterized in that] wherein at least one of the pickup elements, the one labeled (161), is mounted on the movable device (6; 6a) in such a way that drive means (38) can move [it] the pickup element in both in directions (K) corresponding to the feed direction (F; F2) and to the direction (F1; F3) opposite to the feed direction (F; F2).

5. (Amended) The machine according to claim 1, [characterized in that] wherein the movable device (6; 6a) is equipped with two or more of said pickup elements (16, 161) mounted side by side in a horizontal direction (H) at right angles to the feed direction (F; F2), of which at least one (16) is mounted on the movable device (6; 6a) in such a way that [it] the pickup element (16) can move in direction (H) at right angles to the feed direction (F; F2), and at least one (161) is mounted on the movable device (6; 6a) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F; F2) in both directions (K) relative to the movable device itself.

6. (Amended) The machine according to claim 1, [characterized in that] wherein the movable device (6; 6a) is equipped with two or more of said pickup elements (16, 161, 162) mounted side by side in a horizontal direction at right angles to the feed direction (F; F2), of which at least one (16) is mounted on the

movable device (6; 6a) in such a way that [it] the pickup element (16) can move in direction (H) at right angles to the feed direction (F; F2), at least one (161) is mounted on the movable device (6; 6a) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F; F2) in both directions (K) relative to the movable device itself, and at least one (162) is mounted on the movable device (6; 6a) in such a way that drive means (39) can move it up and down in the vertical direction (Z).

7. (Amended) The machine according to claim 1, [characterized in that] wherein the movable device (6) forms part of a panel sawing machine with a single lengthways cutting axis (7) and is equipped with two or more of said pickup elements (16, 161) mounted side by side in a horizontal direction (H) at right angles to the feed direction (E), at least one of which is mounted on the movable device (6) in such a way that [it] said pickup element can move in direction (H)

8. (Amended) The machine according to claim 7, [characterized in that] wherein at least one of the pickup elements, the one labeled (161), is mounted on the movable device (6) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F) in both directions (K) relative to the movable device itself.

9. (Amended) The machine according to claim 7, [characterized in that] wherein the movable device (6) is equipped with two or more of said pickup elements (16, 161) mounted side by side in a horizontal direction (H) at right angles to the feed direction (F), of which at least one (16) is mounted on the movable device (6) in such a way that [it] the pickup element (16) can move in direction (H) at right angles to the feed direction, and at least one (161) is mounted on the movable device (6) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F) in both directions (K) relative to the movable device (6) itself.

10. (Amended) The machine according to claim 7, [characterized in that] wherein the movable device (6) is equipped with two or more of said pickup elements (16, 161, 162) mounted side by side in a horizontal direction (H) at right angles to the feed direction (F), of which at least one (16) is mounted on the movable device (6) in such a way that [it] the pickup element (16) can move in direction (H) at right angles to the feed direction (F) at least one (161) is mounted on the movable device (6) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (E) in both directions (K) relative to the movable device itself; and at least one (162) is mounted on the movable device (6) in such a

way that drive means (39) can move [it] the pickup element (162) up and down in the vertical direction (Z).

11. (Amended) The machine according to claim 1, [characterized in that] wherein the movable device (6, 6a) forms part of a panel sawing machine with two cutting axes, a lengthways cutting axis (7) and a crossways cutting axis (7a) related to a movable device (6) and (6a), respectively, each one of which is equipped with two or more of said pickup elements (16, 161) mounted side by side in a horizontal direction (H) at right angles to the feed directions (F) and (F2) respectively, at least one of the pickup elements of each movable device being mounted on the respective movable device (6; 6a) in such a way that [it] the pickup element can move in direction (H).

12. (Amended) The machine according to claim 11, [characterized in that] wherein at least one of the pickup elements on each movable device (6; 6a), the one labeled (161), is mounted on the respective movable device in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F; F2) in both directions (K) relative to the movable device itself.

13. (Amended) The machine according to claim 11, [characterized in that] wherein each movable device (6; 6a) is equipped with two or more pickup elements (16, 161) mounted side by side in a horizontal direction (H) at right angles to the feed direction (F; F2), of which at least one (16) is mounted on the movable device (6; 6a) in such a way that [it] the pickup element (16) can move in direction (H) at right angles to the feed direction (F; F2), and at least one (161) is mounted on the movable device (6; 6a) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F) in both directions (K) relative to the movable device (6) itself.

14. (Amended) The machine according to claim 11, [characterized in that] wherein each movable device (6; 6a) is equipped with two or more of said pickup elements (16, 161, 162) mounted side by side in a horizontal direction (H) at right angles to the feed direction (F; F2), of which at least one (16) is mounted on the movable device (6; 6a) in such a way that [it] the pickup element (16) can move in the horizontal direction (H) at right angles to the feed direction (F; F2); at least one (161) is mounted on the movable device (6; 6a) in such a way that drive means (38) can move [it] the pickup element (161) in the feed direction (F; F2) in both directions (K) relative to the movable device itself; and at least one (162) is mounted on the movable device (6; 6a) in such a way that drive means (39) can move [it] the pickup

element (162) up and down in the vertical direction (Z).

***Claim 15 has been added as follows:***

15. (New) A panel sawing machine comprising: a horizontal table (5) to support at least one panel (30; 3a, 3b) to be cut; at least one movable device (6; 6a) designed to push the panel along the table in at least one of a feed direction (F; F2) and in a direction (F1; F3) opposite to the feed direction, in such a way as to feed a sawing device (7; 7a) and/or a rotation device (R), said sawing device (7; 7a) being designed to cut the panel (30; 3a, 3b) into two or more smaller boards (31; 4a, 4b) in a direction at right angles to the feed direction (F; F2), the movable device (6; 6a) being equipped with a plurality of pickup elements (16) mounted side by side that hold the rear edge of the panel in position while it is being sawn, at least one of the pickup elements (16) being mounted on the movable device (6; 6a) in such a way that drive means (36) can move it independently of the other pickup elements (16) in a horizontal direction (H) at right angles to the feed direction (F; F2), and at least one of the pickup elements, being mounted on the movable device (6; 6a) in such a way that drive means (38) can move said pickup element in both in directions (K) corresponding to the feed direction (F; F2) and to the direction (F1; F3) opposite to the feed direction (F; F2) relative to the movable device (6;6a).